



21

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7465 /2007

PETITIONER

Rejendra Kumar Netam, s/o Shri Sukhdev Singh Netam, age about 47 years, Deputy Director Regional Training Institute, Women & Child Welfare Department, Jagdalpur, District Bastar(CG)

Versus

RESPONDENTS

- 1 State of Chhattisgarh, Through the Secretary, Women & Child Welfare Department, Mantralaya, Raipur (C.G.)
- 2 The Director, Women & Child Welfare Department Directorate Raipur(CG).
- 3 Smt. Nalini Sori, District Programme Officer, Women & Child Welfare Department, Dantewada(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Santosh Bharat, Counsel for the petitioner.
Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(19.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Dy. Director, has been transferred from Jagdalpur to Sarguja.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is at Jagdalpur, he submits that the petitioner was initially brought to Jagdalpur on 16.6.2003 and after one promotion, he was retained at Jagdalpur by order dated 13.12.2005 and in this manner, he is posted at Jagdalpur since 16.6.2003 itself. Learned counsel further submits that since children of the petitioner are studying in local



institution, this transfer is going to affect adversely on their studies.

These are not the grounds to interfere with an order of transfer by a Court of Law.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rule or Act, it cannot be interfered with by a Court of Law.

In the present case, learned counsel for the petitioner could not point out any circumstance to show that the order of transfer is vitiated by malafides or extraneous considerations or is against any statutory Rule or the Act.

I do not find any reason to interfere with the order of transfer on such ground. However, the petitioner may file a representation before the concerned authority showing his grievance, which may be disposed of ^{by the} the said authority in accordance with law.

With the aforesaid observations, this petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

* sunita